

REMARKS

This communication is responsive to the Office Action dated June 21, 2001. By this response, Applicant has amended claim 1 and added new claims 2-31. 31 claims (2 independent and 29 dependent) remain pending in this Application. Support for the amendments is found in the Specification and claims originally filed. No new matter is added by this Amendment.

Section 102(e) Rejections

The Office Action rejects prior claim 1 under Section 102(e), citing United States Patent No. 6,169,979 ("Johnson").

Applicants respectfully traverse the rejection, however, in that the Johnson reference fails to expressly or impliedly disclose each and every element of the invention as described by the present claims. The Johnson reference (at Column 2, lines 39-67 and Column 3, lines 1-33, for example) describes the elements cited in the Office Action as components in a system for enabling a single utility company salesperson to create sales proposals for a customer, based upon various pricing plans available from the single utility. The system described in the Johnson reference is directed toward monitoring utility usage by a customer of one utility company, so that salespeople working for that company can make more effective sales presentations to their customers. (See, e.g., Johnson reference at Column 1, lines 23-67 and Column 2, lines 1-10).

The Johnson reference, then, contains no express or implied mention of a method or system as described by the present claims. For example, the Johnson reference contains no mention of receiving metering data *electronically transmitted from a meter*. (See, e.g., Johnson reference at Column 7, lines 30-40.) The Johnson reference contains no mention of


receiving pricing data *associated with a plurality of sources of power*. The Johnson reference does not describe *forecasting a forecast load* based on metering data. Finally, the Johnson reference makes no mention of *determining an optimal consumption decision* based on metering and pricing data. The Johnson reference merely provides a system for enabling salepeople, working for one utility company, to produce sales presentations based in part on past utility consumption by their customers. The Johnson reference, therefore, fails to disclose each and every element of the invention as described by the present claims, and reconsideration is respectfully requested.

Conclusion

In sum, Applicant respectfully submits that the present application is in condition for allowance, and earnestly solicits a Notice of Allowance at the Examiner's earliest convenience. The Examiner is invited to telephone the undersigned if such would advance prosecution of this Application in any way.

Dated this 17th day of SEPTEMBER, 2001.

Respectfully submitted on behalf of
NEW ENERGY VENTURES, INC., assignee,

By 
Scott M. Smith
U.S. Reg. No. P-48,268

SNELL & WILMER L.L.P.
One Arizona Center
Phoenix, AZ 85004-2202
Phone: (602) 382-6349
Fax: (602) 382-6070
smsmith@swlaw.com